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COMMISSION ON HUMAN RIGHTS
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Agenda item 10 (b)

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR: STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Australia, Austria, Bulgaria, Cameroon, Canada, Chile, Costa Rica, Czech Republic*, Denmark*, Finland, France, Greece*, Hungary, Ireland*, Italy, Latvia*, Liechtenstein*, Netherlands, New Zealand*, Norway*, Peru, Poland, Portugal*, Russian Federation, Senegal*, Slovakia*, Spain*, Sweden*, Switzerland*, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay: draft resolution

Status of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

The Commission on Human Rights,

Recalling article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

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* In accordance with rule 69, para. 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling also the Declaration on the Protection of all Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

Recalling further General Assembly resolution 39/46 of 10 December 1984, in which the Assembly adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and called upon all Governments to consider signing and ratifying the Convention as a matter of priority,

Bearing in mind its resolution 1993/37 of 5 March 1993,

Welcoming the statement on freedom from torture included in the Vienna Declaration and Programme of Action, in which the World Conference on Human Rights urged all States to put an immediate end to the practice of torture and eradicate this evil forever,

Recalling the decision of 9 September 1992 of the States parties to the Convention to delete paragraph 7 of article 17 and paragraph 5 of article 18 of the Convention and to add a new paragraph as paragraph 4 of article 18, stating that the members of the Committee established under the Convention shall henceforth receive emoluments from United Nations resources on such terms as the General Assembly will decide,

Welcoming the endorsement of these amendments by the General Assembly in its resolution 47/111,

Mindful of the relevance, for the eradication of torture and other cruel, inhuman or degrading treatment or punishment, of the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169, annex) and of the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment (General Assembly resolution 37/194, annex), as well as of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly resolution 43/173, annex),

Seriously concerned about the alarming number of cases of torture and other cruel, inhuman or degrading treatment or punishment which continue to be reported from various parts of the world,

Determined to promote full implementation of the prohibition, under international and national law, of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

Considering the important functions of the Committee against Torture under the Convention,

Recalling that in its resolution 1985/33 of 13 March 1985, the Commission decided to appoint a special rapporteur to examine questions relevant to torture and also recalling its subsequent decisions to continue his mandate,

Taking note of the outcome of the second session of the open-ended working group of the Commission on Human Rights on the elaboration of a draft optional protocol to the Convention,

1. Welcomes the report of the Committee against Torture on its ninth and tenth sessions (A/48/44 and Add.1);

2. Takes note of the report of the Secretary-General (E/CN.4/1994/28) on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

3. Encourages the States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

4. Urges States parties that have not yet paid their assessed contributions, and in particular those whose arrears pertain to two or more consecutive financial periods, to fulfil their obligations forthwith;

5. Welcomes the attention that the Committee against Torture has given to the development of an effective system of reporting on the implementation of the Convention by States parties, including its practice of formulating concluding observations after the consideration of such reports, as well as its practice of carrying out inquiries into cases of well-founded allegations of the systematic practice of torture in States parties;

6. Requests the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee against Torture;

7. Urges all States to become parties to the Convention as a matter of priority;

8. Invites all States ratifying or acceding to the Convention and those States parties that have not yet done so to make the declaration provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20,

9. Requests the Secretary-General to continue to submit to the Commission annual reports on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

10. Decides to consider the report of the Secretary-General at its fifty-first session under the agenda sub-item "Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment".